



Christopher K. Wachtler, esq.
Wachtler Law Office
P.O. Box 39
Stillwater, MN 55082

(651) 983-3769
chris@wachtlerlaw.com
www.wachtlerlaw.com

VIA ECF ONLY

May 12, 2022

The Hon. Susan Richard Nelson
Warren E. Burger Federal Building U.S. Courthouse
316 N. Robert St. Suite 100
St. Paul MN 55101

Re: Michelle Jacobsen v. County of Chisago and Richard Duncan
Court File No.: 18-CV-02528-SRN-HB

Dear Judge Nelson:

Please accept this letter as Defendant Duncan's response to Defendant Chisago County's Motion to Amend Judgment and for a New Trial, and Motion to Allocate Emotional Distress Damages Among Defendants. Defendant Duncan takes no position with respect to Defendant's Motion for a New Trial.

With respect to allocation, while it is impossible to know with certainty what the jury's process was with respect to awarding emotional distress damages, the fact that the amount the jury awarded in punitive damages is so similar to the amount it awarded in emotional distress damages is telling. It seems likely that the two awards reflect two separate damage amounts against two separate Defendants, each of whom was liable to the Plaintiff. The jury had no understanding or knowledge of the fact that three separate claims existed--two claims against Defendant Duncan and two claims against Defendant County. The jury knew only that two parties were responsible for Plaintiff's damages as a whole, and so divided the total amount of those damages (almost exactly) in half, accordingly.

Therefore, while Defendant Duncan is solely responsible for the punitive damages, the County should be responsible for the entire amount of the emotional distress damages awarded, \$565,000.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'C. Wachtler'.

CHRISTOPHER K. WACHTLER
WACHTLER LAW OFFICE

cc: Richard Duncan